

**STAFF REPORT
ZONING BOARD OF ADJUSTMENT**

**Thursday, October 12, 2017
9:00 a.m.
Room 105 Courthouse Annex
Cascade County Commissioners Chambers**

SUP #09-17

Subject Property Information

Name of Applicant:	Venture Stone LLC / Don Jacobs 3953 Parkwood Dr Billings, MT 59106
Owner(s):	Venture Stone LLC 795 Ulm-Vaughn Road Great Falls, MT 59404
Legal Description:	S31, T21N, R2E
Geo- Code(s):	3137-31-3-01-24
Parcel Number(s):	5702000
Existing Zoning:	Agriculture (A)
Requested Action:	Approval of a Special Use Permit to allow the operation of a Quarry.
Surrounding Land Uses / Zoning:	North: Residential / RR-5 South: Residential / RR-5 East: Residential / RR-5 West: Agricultural
Current Land Use:	Commercial Use
Applicable Regulations:	Sections 7.2.4 (2) & 10 Cascade County Zoning Regulations

General Information:

The Cascade County Zoning Board of Adjustment is in receipt of a Special Use Permit application from Venture Stone LLC to allow the operation of a quarry on a recently rezoned (from RR-5 to Ag) 40 acre tract of land at 795 Ulm-Vaughn Road, Great Falls, MT. The applicant is requesting that a Special Use Permit be granted as required by Section 7.2.4 (2) of the Cascade County Zoning Regulations.

According to their operational statement, Venture Stone LLC, a masonry and landscape provider, will be operating a “Commercial Agricultural” Quarry. This location will be acting like a hub that will be having harvested rock from fields transported to this site and then shipped to its final destination after possible minimal cutting and shaping. This site will be a wholesale site where very few public citizens will be visiting. Venture Stone LLC will abide by the 7am – 7pm hours of operation time frame.

General Provisions

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A special use permit may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the “Uses Permitted Upon Issuance of a Special Use Permit as Provided in Section 10” within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Special Use Permit. A separate Special Use Permit shall be required per each tract of land. The Special Use Permit fee shall be \$450.00.

Expiration

The Zoning Board of Adjustment approval of the Special Use Permit shall be valid for only one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the Zoning Board of Adjustment approval.

The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the Zoning Board of Adjustment prior to the date of expiration.

Findings of Fact:

1. The property is in an Agricultural Zoning District. The proposed quarry is allowed in the Agriculture District pursuant to Section 7.2.4 (2) of the Cascade County Zoning Regulations. The section reads, “[*Uses Permitted Upon Issuance of a Special Use Permit*] (2): *Quarry (including cutting, breaking, shaping, and finishing of quarried rock)*”.
2. Venture Stone LLC is the legal owner of the property.
3. The property is not in violation of any Cascade County Zoning Regulations or any other County Ordinance, and county taxes are current.
4. Legal Notice of the application and the public hearing was published in the Great Falls Tribune on October 1, 2017 and October 8, 2017 and mailed to surrounding neighbors on September 29, 2017. As of writing this staff report, planning staff have received zero phone calls or written comments/concerns.
5. A special use permit may be revoked by the Cascade County Board of Adjustment at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit will be handled as any other violation under Section 13 of these regulations.
6. Appeals of the Zoning Board of Adjustment decision shall follow the process outlined in Section 12 of the Cascade County Zoning Regulations.

Findings with Respect to the Analysis Criteria

Staff provides that the following analysis, findings and conclusion for each of the required criteria and conclusions provided under the controlling sections of the Zoning Regulations.

1. Conditions may be required that the Zoning Board of Adjustment determines if implemented, will mitigate potential conflicts in order to reach these conclusions.
2. The proposed development will not materially endanger the public health or safety.

Considerations:

- a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb cuts.
- b. Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection.
- c. Soil erosion and sedimentation.
- d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

Applicant: There will be an estimated 0-3 semi-trucks a day and 1-7 other vehicles. No additional provisions are required for business. There will be minimal to no soil erosion for this site. Five acres of the site are covered in gravel where the business will be located and the remaining 35 acres will be farmed after SUP approval. No water supplies will be affected in the vicinity.

Staff: Planning staff feels that this use will have a minimal disturbance to the surrounding neighbors in relationship to traffic count. No additional provisions are necessary and soil erosion will be minimal to non-existent. No surrounding water supplies will be affected.

- 3. The proposed development is a public necessity, or will not substantially impact the value of adjoining property.

Considerations:

- a. The relationship of the proposed use and the character of the development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
- b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as whole, to justify it regardless of its impact on the value of adjoining property.

Applicant: The proposed SUP will not affect the surrounding neighbors because the business is on such a small part of the 40 acre parcel and there is no loud sounds. Our company will create direct and indirect sources of income throughout the county.

Staff: Staff feels the proposed SUP will merge well with the surrounding uses due to the existing agriculture presence nearby and large lot residential on 3 sides. Staff feels the business will have little to no effect on the surrounding neighbors.

4. The proposed development will be in harmony with the area in which it is located.

Considerations:

- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: We will only be using 5 acres of our 40 acre property. We will be leasing out the remaining land to local farmers. Any possible conflicts will be considered and will do anything we can to work through conflicts that arise.

Staff: The business will be on approximately 5 acres of a 40 acre tract where the remainder will be farmed. The residences are approx. 950' minimum away from the business and staff feels there should be no conflicts.

5. The proposed development will be consistent with the Cascade County Growth Policy.

Considerations:

- a. Consistency with the growth policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its location standards.

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

- A. *Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail*

businesses, and industries including agriculture, mining, manufacturing/processing and forest products.

- B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.*
- C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.*
- D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.*
- E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.*
- F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.*
- G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.*
- H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.*
- I. Encourage the growth of the agricultural economy.*
- J. Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.*

Applicant: Venture Stone has grown from an entrepreneur's idea to a legitimate local business. We have hired numerous local people and increased business to many small and large local businesses. We pay for the stone from Cascade County land owners and they are taxed on that income. After the stone is removed, grass grows which helps the livestock on the land. We have installed our first solar panel and it has opened many ideas for the future.

Staff: Staff feels Venture Stone LLC is a great example of an entrepreneur's dream coming to fruition. All things local or state is Venture Stone's underlying plan which is vital for continued economic advancement. The success of their business fuels other local businesses and they are a supporter of alternate energy.

GOAL 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.

Objectives:

- A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.*
- B. Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.*
- C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.*
- D. Assure clean air, clean water, a healthful environment and good community appearance.*
- E. Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.*
- F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields process.*

Applicant: Venture Stone uses local and state rocks from the land. After extraction from the land, grass returns which helps feed the wildlife of Montana. We will be farming the majority of our land which is maintaining County open space.

Staff: Staff feels that Venture Stone is aware of the natural resource and their attempts to extract the product and encourage revegetation. The site will remain mostly farmland which will merge well with the surrounding farmland considering the 5 acres of land for the business and most of the remaining land for farmland resides outside of the floodplain.

GOAL 3: Maintain Agricultural economy

Objectives:

- A. *Protect the most productive soil types.*
- B. *Continue to protect soils against erosion.*
- C. *Protect the floodplain from non-agricultural development.*
- D. *Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.*

Applicant: We will do everything we can to protect the productive soils. We foresee no future soil erosion mainly because we are not in the floodplain. Venture Stone will be using regional products with the additional land we have to maximize our agricultural base.

Staff: The USDA characterizes the soil types as Kobar silty clay loam (61.5% of site) Prime farmland if irrigated. The remaining 38.5% is a combination of Marias silty clay and Vanda clay which are non-prime farmland soils. There is no desire to irrigate the land; therefore natural hay or wheat would be recommended for farming.

GOAL 4: Retain the presence of the US Military in Cascade County.

Objectives:

- A. *Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.*
- B. *Promote the location of additional military missions in Cascade County.*
- C. *Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.*
- D. *Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.*

Applicant: Venture Stone is in full support of the US military's current mission status and future projects.

Staff: The location of Venture Stone LLC is appx 2.5 miles away of a Launch Facility and over 17 miles from MAFB and the Military Height Overlay District therefore they should not have a direct impact on the US Military presence in Cascade County.

GOAL 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.

B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.

C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.

D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.

Applicant: Venture Stone LLC is in full support of preserving the rural lifestyle currently enjoyed by Cascade County's citizens. We encourage educational programs and will have fire preventative measures on site.

Staff: The application will likely not positively or negatively affect the Cascade County's citizens' rural lifestyle.

- b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

Applicant: yes

Staff: The application will likely not have an impact on the municipal or joint land use plans.

Section 10.7 Operations

Operations in connection with the Special Use permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

From the application information submitted, this business should not be more objectionable to nearby properties. The minimal amount of noise created from the forklifts, saws, and tractors is over 950' from the nearest neighbor. No fumes, vibrations, flashing lights should be present and the neighbor's should not hear whatever work is being performed during working hours.

Motions:

The following motions are provided for the board's consideration:

- A. Alternative 1: Move the Special Use Permit to allow "the operation of Venture Stone LLC's quarry at 795 Ulm-Vaughn Road, Great Falls, MT (parcel # 0005702000)" be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or
- B. Alternative 2: Move the Board to adopt the staff report and **approve** the Special Use Permit subject to the following conditions:
 1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
 2. The applicant will abide by all sign regulations of County Ordinance 8.1 if signage is desired.
 3. The applicant will abide by Regulation 8.4.8 to install the necessary amount of parking spaces.

Attachments:

- Special Use Permit Application, Operational Statement, Site Plan, Zoning Map
- Applicable Zoning Regulations, highlighted.

cc: Venture Stone LLC